

**MINUTES OF THE  
CITY OF SANTA FE  
PUBLIC WORKS/CIP & LAND USE COMMITTEE  
Tuesday, May 27, 2003**

1. **CALL TO ORDER**

A meeting of the Public Works/CIP & Land Use Committee was called to order by Chair Heldmeyer at 5:15 p.m., on May 27, 2003, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

1. **ROLL CALL**

**MEMBERS PRESENT:**

Councilor Karen Heldmeyer, Chair  
Councilor Miguel M. Chavez  
Councilor David Coss

**MEMBERS EXCUSED:**

Councilor Patti J. Bushee  
Councilor David Pfeffer

**OTHERS ATTENDING:**

Mike Lujan, Director of Public Works  
Therese Prada, Public Works Department  
Bruce Thompson, City Attorney  
Robert Romero, City Engineer  
Rick Carlisle, CIO, Information, Technology & Telecommunications  
Fabian Chavez, IPM Coordinator  
Alexandra Ladd, Community Services  
Reed Liming, Interim Planning Division Director  
John Nitzel, City Traffic Engineer  
Kathryn Raveling, Finance Director  
Ron Shirley, Parks & Recreation Department Director  
Tom Williams, Information, Technology & Telecommunications  
Melessia Helberg, Stenographer

1. **APPROVAL OF AGENDA**

Councilor Chavez asked that Items #11 and #12 be heard before any items which are pulled from the Consent Agenda for discussion.

MOTION: It was moved by Councilor Chavez, seconded by Councilor Coss, that the Agenda as amended be approved.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

1. **APPROVAL OF MINUTES, MAY 12, 2003 PUBLIC WORKS COMMITTEE MEETING**

The following corrections were made to the minutes:

Page 4, Paragraph 3(7), line 2, correct as follows: "...those roads ~~was~~ were dedicated..."

Page 29, Paragraph 4, line 4, correct as follows: "...there have been two applications..."

Page 29, Paragraph 5, line 1, correct as follows: "...even-~~it~~ if the process..."

Page 32, Paragraph 2(16), line 1, correct as follows: "...~~Mr.~~ Ms. Prada..."

MOTION: It was moved by Councilor Coss, seconded by Councilor Chavez, that the minutes of the May 12, 2003, Public Works Committee Meeting be approved as corrected.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

## **1. APPROVAL OF CONSENT AGENDA**

The Consent Agenda was approved as follows:

### **CONSENT AGENDA**

- 1. REQUEST APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF SANTA FE AND AKAL SECURITY, INC., ALLOWING CARRIAGE OF FIREARMS BY AKAL EMPLOYEES WHEN REQUIRED BY TRANSPORTATION SECURITY ADMINISTRATION DIRECTIVES. (JIM MONTMAN)**
- 1. TRAFFIC CALMING PROJECTS CYCLE TWO, PHASE ONE, CIP #857.**
  - A. REQUEST APPROVAL TO AWARD BID AND APPROVAL TO CONTRACT WITH R.L. LEEDER IN THE AMOUNT OF \$164,737.13.**
  - B. REQUEST APPROVAL OF BUDGET ADJUSTMENT IN THE AMOUNT OF \$58,493.00 FROM THE CITY'S CDBG FUND #22802.510300 TO THE CITY-WIDE TRAFFIC CALMING FUND WIP CONSTRUCTION LINE #32775.572970.**
  - C. REQUEST APPROVAL OF BUDGET ADJUSTMENT IN THE AMOUNT OF \$70,000 TO MOVE MONIES FROM THE CIP CASA SOLANA TRAFFIC CALMING FUND #32380.575500 TO THE CIP CITY-WIDE TRAFFIC CALMING FUND WIP CONSTRUCTION LINE, #32775.572970 (CARRIE LA CROSSE).**
- 1. REQUEST APPROVAL OF A LICENSE AGREEMENT BETWEEN THE CITY OF SANTA FE AND BEAR CREEK ADVENTURES THAT WILL ALLOW OPERATION OF A HORSE DRAWN CARRIAGE SERVICE WITHIN THE CITY OF SANTA FE. (RICK DEVINE)**
- 1. REQUEST APPROVAL OF RFP #03/27/PM -- UNIFORM RENTAL TO AWARD PROFESSIONAL SERVICES AGREEMENT TO UNIFIRST CORPORATION IN THE AMOUNT OF \$17,151.52. FUNDS ARE AVAILABLE IN BUSINESS UNIT AND LINE ITEM 52402.563000. (WADE HAVENS)**
- 1. CITY OF SANTA FE – SANTA FE RIDE PROGRAM**
  - A. REQUEST APPROVAL OF PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF SANTA FE AND CAPITAL CITY CAB FOR PARATRANSIT SERVICES IN THE AMOUNT OF \$825,440.00 FOR FY 2004.**
  - B. REQUEST APPROVAL OF LEASE AGREEMENT BETWEEN THE CITY OF SANTA FE AND CAPITAL CITY CAB FOR LEASING PARATRANSIT VEHICLES FOR FY2004. (TOM WILLIAMS)**

All packet material for items on the Consent Agenda, are incorporated herewith to these minutes as Exhibit "1."

MOTION: It was moved by Councilor Coss, Seconded by Councilor Chavez that the Consent Agenda, as submitted, be approved.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

## **INFORMATIONAL AGENDA**

### **11. ANALYSIS OF WATER CONSERVATION PROVISIONS. (BRUCE THOMPSON, CITY ATTORNEY)**

A copy of "Analysis of Water Conservation Provisions" is incorporated herewith to these minutes as Exhibit "2."

Mr. Thompson said at the last Public Works Committee meeting he gave an explanation of plantings and other activities during Stage 2 and Stage 3, not knowing that in April 2002, Stage 2 and Stage 3 had been modified. Some members of this Committee advised him after the May 12<sup>th</sup> meeting that what he had said was not consistent with their memories.

Mr. Thompson obtained a copy of the update. He is presenting a summary of the various conservation provisions that are found throughout the code at the updated versions of Stage 2 and Stage 3. As pointed out by the members of this Committee, all plantings are allowed during Stages 2 and 3, although sod and seed cannot be used unless done with treated effluent or gray water.

Councilor Coss thanked Mr. Thompson for the information. The Chair thanked Mr. Thompson as well.

### **11. INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS (ITT) DEPARTMENT. 2. INFORMATION TECHNOLOGY STRATEGIC PLAN. (RICK CARLISLE)**

Memorandum dated May 20, 2003, with attachments, to the Public Works Committee, from Rick Carlisle, CIO, Office of Information, Technology & Telecommunications, is incorporated herewith to these minutes as Exhibit "3."

Chair Heldmeyer said this Plan is being submitted in preparation for beginning work on the CIP bond issue.

Mr. Carlisle said Chair Heldmeyer is looking for software applications which make City government more efficient and employees more productive. This is the ultimate goal of the Department.

Mr. Carlisle said, during Phase I over the past year, staff has been working to get the backbone of the system "up to speed." He said he started from scratch to rebuild the entire backbone. That is now about 75% complete. This must be done first because the applications are bandwidth intensive and we need to be able to support them.

Mr. Carlisle said staff has been able to aggregate the circuits and are eliminating Qwest circuits for a savings of about \$250,000 annually. The digital microwave project will give more redundancy on the backup network so "when we bring out the applications, we will have a failsafe."

Mr. Carlisle said one of the things that is being done is InfoMesa which is the fiber project, along with the microwave, in partnership with PNM to lay fiber all the way up Cerrillos by December 2003. Mr. Lujan said that project will begin after the busy tourist season and should be completed by Thanksgiving.

Mr. Carlisle said there was the addition of the sequel server and 3 new applications have been introduced, which are not AS-400 based, for graffiti, HR application for the PA's so the PA's can be done on line, and the next big step will be timesheets on line. Staff is moving in the direction of on-line and web-based applications. Once the network is 100% which should be late August or early September, then we can "dive in" with the other applications.

Councilor Coss asked the band width capacity of the backbone. Mr. Carlisle said it will be DS-3 throughout the network when finished which is approximately 20 T-1s. He said when the project was begun there wasn't a full T-1s anywhere except City Hall. Everyone will have a minimum of T-1 speed.

Councilor Coss asked how much Mr. Carlisle is seeking in CIP funds. Mr. Carlisle said about \$500,000 to pay for the digital microwave tower and the remainder of the network upgrades, which includes routers and the infrastructure – the wiring. The previous internal wiring was designed to carry only telephone service. Internal wiring has been done at the facilities on Siler Road and at the Fire Station. He said the Police Department is next and then work will be completed at the City Hall, Siringo Road and Seniors.

Councilor Coss asked if the cost is \$500,000 over two years or \$500,000 just for this year. Mr. Carlisle said the cost is \$500,000 total. He said savings will be created from Qwest at \$250,000 annually.

Councilor Chavez said part of what is being done is to play catch-up and to update the system. He asked, as the City rebuilds or updates the system, how often the strategic plan needs to be updated. Mr. Carlisle said it is a working document which will be updated every year. He said the new infrastructure is built in such a way that it will accommodate new technology and new applications for twenty years. The infrastructure will be solid and reliable for at least 20 years. The applications and such will change every year depending on what the different departments want to do.

Chair Heldmeyer said the City spent about \$1 million upgrading the phone system, and asked how much of that upgrade is useful. Mr. Carlisle said that is a sore spot with him. That is done on a lease for three more years at \$300,000 annually. Once out of that lease, the telephone upgrade will be one of the first things to be done. The PBX is solid and can do a lot, but it would take a lot more investment plus the lease. There are a lot of different options we can do now besides PBX.

Chair Heldmeyer asked Mr. Carlisle if he has explored the possibility of breaking that lease with the City Attorney. Mr. Carlisle said he hasn't, but that is a good idea.

Chair Heldmeyer said the Councilors want reassurance from Mr. Carlisle that this really is going to be something which will stand the City in good stead for more than just a couple of years, given that it needs to be modified and changed as needs change. We want to be sure that this is the good backbone on which things are being built. Mr. Carlisle said he will stand by the backbone 100%. However, we aren't even playing catch-up. The City should have been at the current level about 6 years ago.

Chair Heldmeyer asked when the City will be at the point it can do some different things such on the new system as building permit applications, paying bills – when will we be on line to do those kinds of things. Mr. Carlisle said by the 3<sup>rd</sup> quarter of the coming fiscal year the infrastructure will be in place so we can begin to find out which applications are best, but the supporting network will be in place.

Chair Heldmeyer said we don't have to reinvent applications because so many cities are doing this and there are so many vendors which are writing software.

Chair Heldmeyer asked Mr. Lujan what kinds of limitations does CIP bonds impose on what kinds of technology can, and cannot, be purchased with those funds. Mr. Lujan understands the funds are for projects and believes there aren't many limitations in this regard. The Chair suggested Mr. Lujan ask this question of Ms. Raveling.

## **DISCUSSION AGENDA**

### **11. REQUEST APPROVAL OF A RESOLUTION TO DEVELOP A STRATEGY FOR MAINTAINING AND PROMOTING HOUSING IN THE DOWNTOWN AREA. (COUNCILORS ROBERTSON LOPEZ, WURZBURGER, ORTIZ, BUSHEE AND COSS) (ALEXANDRA LADD, LINDA HALL) POSTPONED FROM 5/12/03.**

Proposed Resolution to develop a strategy for maintaining and promoting housing in the downtown area, is incorporated herewith to these minutes as Exhibit “4.”

A map of “Downtown Housing Sites,” is incorporated herewith to these minutes as Exhibit “4(A).”

Councilor Coss said this issue arose about the time that El Seville was seeking approval from Planning and Historic Review, and he withdrew a resolution to have the City take over El Seville. He remains concerned that we are losing all our housing in the downtown area and it is converting to commercial. He would like some effort made to see if we can reverse that trend and bring people back to live in the downtown area. The language of the ordinance is straightforward. There are a lot of priorities on the table right now – Tierra Contenta, the HOP ordinance, the Northwest Sector Study, and explorations about an affordable housing trust fund, discussions of affordable housing, Las Solaris and other planned annexation activities, and the parking fee-in-lieu-of ordinance.

MOTION: It was moved by Councilor Coss, seconded by Councilor Chavez, that the Resolution be approved with an amendment to Page 2, Line 3 as follows:

“...in the downtown area in a manner that will minimize or eliminate the need for private automobile ownership to identify....”

DISCUSSION: Councilor Coss said anything the City does to bring downtown should not bring automobiles to the downtown area and would like to look at that as the theme of this study from the beginning. He hasn’t spoken with his bill cosponsors yet.

FRIENDLY AMENDMENT: Councilor Coss said because of all the other priorities, he would like to stretch out the date on Page 2, Line 5, and ask from guidance from staff. Ms. Ladd said this is a planning and land use issue as well as a housing issue, and noted that Long Range Planning isn’t adequately staffed, so it is a good idea to stretch out the date. Councilor Coss suggested extending the date to December 31, 2003. **The amendment was friendly to the second.**

Ms. Ladd said she and Ms. Hall recommended in the FIR that the study area be expanded outside the BCD. Ms. Hall prepared a map [Exhibit “4(A)”] which shows what kinds of housing is in a circle around the BCD. Mr. Lujan pointed out that Item #9 on page 3 of the FIR outlines the staff recommendation about expanding the study area. Ms. Ladd said it is pretty well developed within the one mile circle, and the only area not developed is the Cross of the Martyrs. She said staff thought if we were going to generate housing in the downtown area, we could do some redevelopment stuff as well as look at new development by increasing the diversity of the study area.

FRIENDLY AMENDMENT: Councilor Coss suggested language on Page 2, line 3 as follows: “...the downtown area bounded by St. Francis Drive to the east, Cordova Road to the south, Gonzales road to the east and Siler Road to the north. **The amendment was friendly to the second.**

Councilor Chavez said the reason he didn’t sign onto this resolution, is that he isn’t sure what we will find by doing this study. He knows we are trying to reduce a trend, and we are talking about gentrification of the downtown area. He recalled people were living downtown in the early 1970’s when people were living downtown at the site now occupied by the Hilton. Urban renewal came in and now those are gone. Now, we are lamenting that there aren’t enough families and people living down and doesn’t know how, or if, that trend can be reversed. Will it require

higher densities. He will support the resolution and hopefully we can learn something new. He said he doesn't know how anything can be affordable in light of the inflated cost of land downtown, and even if there is much land available. He believes we need to look at other areas such as annexation which might provide a more reasonable land base to provide affordable units. He hopes the limited staff will be able to do something in the time frame.

Chair Heldmeyer has reservations. Nothing in the resolution says anything about affordable housing, except that the Affordable Housing Roundtable will be consulted. We have found that, as with infill, there frequently are unintended consequences. We need to say what kind of housing and for whom we want to put downtown. FRIENDLY AMENDMENT: Chair Heldmeyer suggested the following amendment to the Resolution on Page 2, line 3, "...to creating more housing for a variety of groups and income levels in the downtown area while maintaining its unique historic character, to identify...." **The amendment was friendly to the maker and second.**

Chair Heldmeyer said housing can offer a rich, interesting mix to downtown, but not all housing is equally rich or varied. She believes any discussions about the area needs to recognize its unique character.

Councilor Coss believes the amendments have made the resolution better and have better refined what the Governing Body would like to see examined by the study. He said once we do fact finding and look at options, we might find it is a price we are willing to pay – because of land costs, effects on the history or style.

RESTATEMENT OF AMENDED MOTION: It was moved by Councilor Coss, seconded by Councilor Chavez, that the Resolution be approved with amendments to Page 2, Line 3 as follows

- “1. To direct appropriate staff to develop such a plan to increase housing in the downtown area bounded by St. Francis Drive to the east, Cordova Road to the south, Gonzales road to the east and Siler Road to the north, in a manner that will minimize or eliminate the need for private automobile ownership, to identify impediments to creating more housing for a variety of groups and income levels in the downtown area while maintaining its unique historic character, to identify various options for addressing these issues, to obtain public input and present it to the Governing Body for action by ~~September 15, 2003~~ December 31, 2003.”

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

#### **11. REQUEST APPROVAL OF ORDINANCE REPEALING SECTION 14-9.3(C) SFCC 1987 AND CREATING A NEW SECTION 14-8.14 RELATING TO IMPACT FEES, AND AMENDING SECTION 14-12 SFCC 1987 RELATING TO DEFINITIONS (REED LIMING)**

Memorandum dated May 19, 2003, with attachments, to the Public Works Committee, from Reed Liming, Interim Planning Division Director, is incorporated herewith to these minutes as Exhibit “5.”

City of Santa Fe “Proposed vs. Current Fee Comparisons,” dated May 2003, is incorporated herewith to these minutes as Exhibit “5(A).”

City of Santa Fe Fiscal Impact Report No. 832, dated May 19, 2003, is incorporated herewith to these minutes as Exhibit “5(B).”

Replacement pages #7 and #16 to the proposed Ordinance, dated May 27, 2003, are incorporated herewith to these minutes as Exhibit “5(C).”

Mr. Liming said this bill is the 3<sup>rd</sup> piece of the Impact Fees program. The 1<sup>st</sup> piece were land use assumptions, and 2<sup>nd</sup> piece was the CIP. The 3<sup>rd</sup> piece is a draft bill to impose impact fees in the City.

Mr. Liming reviewed the memorandum in the packet. Please see Exhibit “5” for specifics of this presentation.

Mr. Liming said staff is recommending that wastewater be treated as a utility expansion charge and not as an impact fee.

Chair Heldmeyer asked if there is a timing problem, or if the wastewater impact fees will continue to be on the books until such time as we have the UEC. Mr. Liming said it might be separated by a council meeting or two, and there shouldn't be a great difference time-wise. Chair Heldmeyer said if that schedule is changing we need to talk about it, because that's an area where the City needs impact money. These fees are being assessed not just against subdivisions but also against individual homes.

Mr. Liming said the State Development Fees Act provides that subdivisions and development plans which are given final approval have four years under the existing fee schedule. So there will be some developments which have been given final approval within the past 3 years which will have another year to bring building permit applications under the old fee schedule. So we will continue to collect a wastewater impact fee for those developments for the next four years.

Mr. Liming said there will be a sliding schedule for impact fees based on the size of the house, in increments of 500 sq. ft. The impact fees for a house of 1,500 sq. ft. or less would go from \$631 to \$2,126. Mr. Liming said the ordinance provides for developer credits for land dedications and other improvements.

Mr. Liming reviewed the proposed and current fees [See Exhibit "5(A)"]. He said there has been a rather detailed study done to develop the proposed fees in terms of roads, traffic signals with cost based on level of service.

Mr. Liming said the FIR he distributed indicates that most of the changes would be revenue from the impact fee funds. The consultant has suggested keeping water and wastewater as UECs and the revenue would increase from \$3.6 million to \$15 million over an 8 year period.

Chair Heldmeyer said there are limitations on expenditures from impact fees. Mr. Liming said this is correct, and fees are placed in separate funds for each category. He said impact fees can be spent only on capital improvement projects which are listed in the CIP document which was approved by the Committee at its previous meeting.

Mr. Liming said the staff has minor changes to the ordinance on pages 6 and 17 [Exhibit "5(C)"]

Councilor Chavez said in Section K of the ordinance, it is suggested that the City review and update the impact fees at least every 5 years, and asked if this is frequent enough. Mr. Liming said this language is consistent with state law. He believes this is adequate, noting it took three years to get the ordinance to this point.

Councilor Chavez said there are two major areas which are not on the list of eligible facilities which are schools and libraries. He said if the Legislature adds these, he doesn't want to wait too long to add them or to increase the impact fees if needed.

Chair Heldmeyer said the language provides for a review and update at least every 5 years, so if the law changes, the ordinance could be changed immediately.

Councilor Chavez asked if we have to wait until the law changes. Mr. Liming said the ordinance permits updating in less than five years if we so choose. We can't add schools and libraries until enabling legislation is added to the Development Fees Act.

Councilor Coss is concerned that the County isn't doing this with us. [Councilor Coss's remarks were inaudible.]

MOTION: It was moved by Councilor Coss, seconded by Councilor Chavez, that the ordinance be approved as amended by staff.

DISCUSSION: Chair Heldmeyer asked Ms. Walker, Capital Improvements Advisory Committee Chair, if she has remarks. Ms. Walker had no remarks.

Chair Heldmeyer asked if the City will still require subdivisions to provide open space, or does the new parks fee supplant that. Mr. Liming said the park dedication requirements need to be amended. This ordinance will still permit the City to request that land be dedicated to the City and allow City staff to determine whether we want land or would prefer impact fees. If the City requests land to be dedicated then the developer may request that be credited against their impact fees. Chair Heldmeyer said they could also offer land to the city instead of money, but it would be at the City's discretion. Mr. Liming said this has been the case, and we may need to revisit the language in the park dedication section of City Code, to clarify that it will be up to City staff as to what land is dedicated and its location.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

**11. 2003 SEASON IRRIGATION MANAGEMENT PLAN FOR MEDIANS, TREES, PARKS & MRC.  
B. REQUEST APPROVAL OF AMENDMENT TO THE WATER CONSERVATION  
ORDINANCE. (RICHARD FIEDLER, FABIAN CHAVEZ)**

Memorandum dated May 27, 2003. with attachments, to the Public Works Committee, from Richard Fiedler, Parks Division Director and Fabian Chavez, IPM Coordinator, is incorporated herewith to these minutes as Exhibit "6"

Mr. Chavez said staff is requesting that the City address or recognize that it has a heritage which it owes to its future citizens, and visitors to the City. It is extremely difficult to replace woody plants once they go into an area of decline. Staff is asking that the ordinance be amended to permit staff to water and keep our woody plants in good, growing order.

MOTION: It was moved by Councilor Chavez, seconded by Councilor Coss that the request be approved.

DISCUSSION: Councilor Chavez said this is something we've been working on for a while. He said staff has been working on best management practices and other methods of irrigation so that with turf reduction and other methods, the City can better utilize its water and safeguard this legacy. He believes it was a mistake to stop watering the parks two years ago. We are going to incur major costs to bring those parks back on line and he wants to avoid this in the future as we deal with drought.

Councilor Chavez said this amendment is targeted to public parks, public schools and medians – it is very narrow. Earlier in the season the City was asked to consider variances for certain parks and resisted that suggestion. This is a better approach, because variances are on a case-by-case basis which isn't a good way to do this.

Councilor Chavez spoke with the City Attorney this afternoon in this regard. He said one of the councilors believes that by taking action on this, there could be a cause and effect in the mediation between the City and Las Campanas. He asked Mr. Thompson to develop an opinion by tomorrow so he is comfortable with the ordinance and that it is a step in the right direction for the City.

Chair Heldmeyer said this ordinance is very clearly designed to apply only to public spaces. She said most people aren't thrilled about this, but they can live with the City using its water in a way that benefits the public as a whole. They understand that to keep the recreation programs operating we need fields. We need to know this isn't the whole solution. Another part of the solution is to ensure rethinking how we can manage the places not needed for



public use. She knows Parks & Recreation has a five-year plan to do that. Several Councilors have suggested starting with the grounds around City Hall. The entire front of the Los Alamos City Hall has been replanted with a xeriscape garden. The City needs to be thinking about something similar.

Mr. Shirley said the whole thing on the table is the quality of life in Santa Fe. He said he looked at parks this afternoon which took a beating during the drought – Barrio la Cañada, Larragoite Martinez and Ashbaugh. He doesn't know how much can be saved, although staff has developed a good turf reduction plan.

Mr. Shirley said the renovation of Alto will show severe, extensive loss of turf in the new design. The turf will be only on the actual playing surface. This is the park of the future. He said it was necessary to implement watering by truck in some areas because there isn't enough coverage, and not enough time to water to keep a few parks alive. He said the Community College shut down the water to the City, so we have to save what we have out there and we are doing that by water truck. We need that ballfield and need to keep it in good condition.

Councilor Coss said, in addition to preserving these spaces for the public, it is important to have water savings and xeriscaping as a part of the plan and this is why he supports this action. He would like to be shown as a co-sponsor for this ordinance.

Councilor Coss would like to see the five-year plan. Mr. Shirley will provide an update of the plan to the Committee in the near future. He said when the five-year plan was done in the winter it was hoped that there would be more snow, and some things haven't progressed as hoped. Chair Heldmeyer asked for an in-depth report at a future meeting.

Mr. Chavez said staff has looked at Perez and the new field. Staff has come up with a plan with engineering not to replant turf in certain areas. He said there will be a 50% reduction in turf at Perez without compromising the ability to use either for a passive or an active sports, or for a gathering.

Mr. Chavez said the amendment to the ordinance is needed because currently staff cannot renovate those areas which need renovation by seed or sod.

Chair Heldmeyer said it is important to look at each park, individually, because the needs of a park and what can be done in a park differ with each park.

Councilor Coss asked Mr. Shirley if they are talking with users, organized and unorganized, about what they are seeing in their neighborhood park. Mr. Shirley said they have spoken with neighborhoods and users, for example at Larragoite where there are multiple users. They have also talked with users at Ashbaugh as well as Alto and Perez. Staff has contacted, and will continue to work with, the users.

Councilor Chavez asked how much water the parks use. Mr. Chavez said, depending on the calculations, it used 3% to 5% of the total water use, with the current irrigation system. He said in going to turf reduction, and more efficient engineering, staff believes that figure can be reduced to 3.5%. He said savings can be tracked because all of the parks are metered, and we will know in the first 2 or 3 years the actual savings. Mr. Chavez said this is correct in specific answers to potable water use.

Mr. Shirley said with the help of CIP's water management, many parks have had obsolete irrigation sprinklers replaced which has helped. He said the weather stations are all ready to go commenting that those are going to be of tremendous advantage.

Chair Heldmeyer said Ms. Berman told her today that in her study of the MRC, she has seen that some of those fields may be under utilized. Those fields are watered with effluent. The City needs to be using those fields to the maximum, while we regenerate other fields.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

16. **OWNER REQUESTS APPROVAL FOR DELETION OF CONDITIONS OF APPROVAL RELATED TO MODIFICATION OF ACCESS TO WHOLE FOODS MARKET, LOCATED AT 753 CERRILLOS ROAD. (JOHN NITZEL)**

Memorandum dated May 20, 2003, to the Public Works Committee, with attachments, from John Nitzel, City Traffic Engineer, is incorporated herewith to these minutes as Exhibit "7."

Mr. Nitzel said this is a request from Whole Foods to delete a condition of approval imposed by the City Council in April 1999 as part of the development approval. This provides for a parking gate to control customer traffic in the rear of the site which is a loading area.

Mr. Nitzel said the gate was put in place but the arm hasn't been in place for some time. So when Whole Foods came in for the request, staff reviewed the situation out in the field to determine how safely customer traffic could use the rear of the site. Whole Foods also did a traffic study to show the impacts of that. He said that study is in the Committee packet. Mr. Nitzel said a neighborhood meeting was held in March to receive comments.

Mr. Nitzel said the stipulations in the memorandum are based on those issues. Staff also checked for compliance of some of the other conditions of approval which were imposed.

Mr. Nitzel said staff recommends deletion of the condition of approval requiring the gate. Whole Foods has done, or promised to do, some operational modifications to eliminate the safety concerns.

Mr. Nitzel said only 3 conditions of approval are potentially of concern. He said representatives of Whole Foods are in attendance including Mr. Lenihan, Mr. Gorman and Frank Bond their attorney to address these issues.

Mr. Nitzel said concerns have been expressed about the parking area which exists between McDonald's and Whole Foods. This wasn't part of the original site plan which was received, although Whole Foods has tried to provide additional employee parking by this mechanism. The main concern is that the lot is not graded or paved, and staff would like to see that improved, if possible. Mr. Nitzel said Whole Foods doesn't own the parking lot and it is leased from McDonald's, and have indicated it's not within their ability to get the parking lot graded or paved.

Mr. Nitzel said staff stipulated in the original Condition #7 that it wanted Whole Foods to try to provide parking off street, noting there is still some on-street parking by employees which has shifted to Early Street over the years as parking was restricted on the streets adjacent to Whole Foods.

Mr. Nitzel said Condition #11 was imposed in response to comments at the March ENN meeting with regard to trucks using Paseo de Peralta to get to St. Francis through that neighborhood. Staff has proposed an option that trucks could possibly avoid that route by making a circle around Guadalupe, Paseo and back on Cerrillos, and then proceed to St. Francis. This proposal is being reviewed by Whole Foods.

Councilor Coss said then staff recommends we approve this request with these 11 conditions. Mr. Nitzel said this is correct. He knows Whole Foods do have exceptions with Conditions #6, #7 and #11. [Councilor Coss's remarks were inaudible.] Mr. Nitzel said the other conditions can be resolved with minor modifications.

Responding to Councilor Coss, Mr. Nitzel said the result of the loss of parking by McDonald's would be that parking would shift on-street. Whole Foods provides employee parking at the Eagles lot. There was a condition of approval for Whole Foods to provide valet parking, which hasn't been done much although there are people on site to direct customers. There are a variety of ways to address this which go back to the original concerns at development approval about parking. There would need to be some shifts in those mechanisms to deal with that if the adjacent parking lease were lost.

Councilor Chavez asked how many people are parking in the dirt parking lot. Mr. Nitzel estimated between 15-20. Councilor Chavez said that lot seems awkward for users, is a little unsightly and not well maintained.

Responding to Councilor Chavez, Mr. Nitzel said staff is recommending that there be grading and paving, noting that landscaping would reduce the number of spaces.

Chair Heldmeyer said one of the conditions of approval is that no more than two trucks can use the loading dock at any time, noting there is room for only two trucks. She asked what will be done with the trucks which can't get into the loading dock which appears to be a big issue with the neighbors. Mr. Nitzel said Whole Foods has indicated in writing that it is willing to monitor that and have the trucks park at the rear or on the side, which is probably a good solution. Chair Heldmeyer asked if there is room to do this, and when the lot is full, where do the trucks go.

**Timothy Lenihan, Store Manager for Whole Foods** said most of the truck traffic is early in the day, and typically the lot fills by about noon to 1:00 p.m. Before 11:00 a.m., the lot isn't fully utilized. He said there are several ways to deal with more than two trucks. The first is through scheduling deliveries, and the second is that the large trucks are required to call in on a cell phone and Whole Foods tells them when they can deliver. Whole Foods is willing to police this as much as needed to make it work.

Chair Heldmeyer said if this is a condition of approval, what happens if there isn't compliance with that condition. Is there a penalty. Mr. Nitzel said the conditions of approval go back to the issuance of the driveway permits, and theoretically we could shut down the driveways if that happened. However, staff would first contact Whole Foods about the issue and try to resolve that issue with Whole Foods.

Chair Heldmeyer asked, other than being unsightly, what are the safety issues of the dirt parking lot. Mr. Nitzel said a paved parking surface offers a level area which eliminates tripping hazards, and the lot becomes slippery when it rains. He said also there is a concern about people cutting-through, walking from McDonald's to Whole Foods.

Chair Heldmeyer asked how do the conditions imposed on that parking deal with the perceived safety problems. Mr. Nitzel said staff would recommend some sort of permanent surface be placed in the lot, at a minimum, to eliminate the safety issues such as tripping, slipperiness, etc. Chair Heldmeyer asked wouldn't pavement be more slippery than dirt. Mr. Nitzel said mud and clay can get very slippery.

Chair Heldmeyer asked if there is a designated pedestrian walk-through from this area. Mr. Nitzel said there is not, although there is a sidewalk in front of the building.

Chair Heldmeyer said another issue concerns parking on residential streets by Whole Foods employees. She said Whole Foods rented space at the Eagles, and the employees tell the people in the neighborhood that parking is too far away, they feel unsafe and want to save time by parking in the neighborhood. One of the conditions of approval is that employees park off of City street. She asked Mr. Lenihan what he plans to do to monitor this.

Mr. Lenihan said space has been provided at the Eagles and also at 807 Early, where Whole Foods has leased a building for the 20 parking spaces. This is an old office building. Whole Foods also provides security from the store to the lots and encourages team members to utilize the security. Mr. Lenihan said the City has taken care of employee on-street parking by striping. He said there has never been an issue on Gilmore. Chair Heldmeyer said there was an issue of parking on both Gilmore and Topeka. Mr. Lenihan said they met with the Gilmore Neighborhood Association who indicated they appreciated Whole Foods as a pretty good neighbor, and never mentioned that parking on Gilmore was an issue. He said he walks by the area daily and no one is parking on Gilmore or Topeka because those streets have been striped, nor on Early because it has been striped. He believes the problem has been legislated or "striped" away from what he can determine.

Councilor Coss said the striping creates no parking zones, and asked if that is okay with the neighborhood. Another alternative would be a residential parking zone where you must live in the neighborhood to have a permit to park there. It's not that the neighbors want to lose their parking, it is that they are losing their parking to spill-over parking from businesses.

Chair Heldmeyer said Topeka is a commercial area, but it is a very narrow, winding road, and the neighbor's concern was in using Topeka as a through street. On-street parking caused neighbors not to be able to get through or to get through with great difficulty. Staff studied that and looked at the configuration of the street and came to the same conclusion.

Councilor Coss said if this request is approved with the 11 conditions of approval will there some more back and forth between Whole Foods and City staff.

**Mr. Richard Gorman** said there are concerns with 3 of the conditions of approval, some of which may be very easy to resolve. The problem with Condition #6 is not that Whole Foods is not willing to comply, but that they do not own that parking lot and have no control over that lot. Mr. Gorman said they have contacted the Houston family and are attempting to gain a lease or some control of the property in order to pave and improve it.

Mr. Gorman said the applicant is asking that it be required to do those improvements in Condition #6 only if it is able to gain control of the property. He said they are creating a walkway with an island which extends across the back driveway so there will be pedestrian access to the store through that walkway as recommended by the neighbors.

Councilor Chavez asked how Whole Foods is using the parking lot. Mr. Gorman said Whole Foods leases the land it is on from the Houston family. McDonald's also leases from the Houston family, and he understands that McDonald's leases that triangle of land which isn't used by McDonald's. The Houston family doesn't mind employees parking there, nor does McDonald's.

Councilor Chavez said wouldn't it still be a benefit to Whole Foods employees to have some improvements on that triangle. Mr. Gorman said it would, however if you don't own it, it is hard to do that.

Chair Heldmeyer asked if the City allows businesses to provide parking on land which it doesn't own or over which it has no control. Mr. Nitzel said this was not part of the site plan and Whole Foods met the BCD requirements. Chair Heldmeyer said it is coming in now as a change to the site plan.

Mr. Lujan said it seems more a matter between private properties, unless parking was a condition in order to meet code. Chair Heldmeyer said a previous Council required that Whole Foods provide parking for its employees not on City streets. If the parking by McDonald's is an attempt to fulfill that condition, it seems that the Committee has some obligation to make sure that the parking is legal and that the City has some oversight.

Mr. Gorman said this lot has never been offered by Whole Foods as part of the parking solution. Whole Foods has 20 spaces at 807 Early as well as 20 spaces it leases from the Eagles, for a total of 40 off-site, off-street parking spaces it offers to its employees. He pointed out that employee parking wasn't expressed as a problem when they met with the Gilmore Neighborhood Association.

Councilor Chavez said the McDonald's lot is being used because of its proximity to Whole Foods. Mr. Gorman reiterated that Whole Foods is willing to pave that lot if it is able to gain control, stating that the Houston Family has been approached to lease the property. The Houston family is talking to its other tenant to see if this can be done. If we can't, then he asked, "What can we do?"

Chair Heldmeyer said since it is McDonald's lease, does McDonald's have an obligation to meet code requirements because parking is being done. Mr. Nitzel said intuitively that seems correct, and that the City has an interest in the health, welfare and safety of the public to pursue this issue.

Chair Heldmeyer would like an opinion on this from the attorney prior to this issue going before the Council.

Mr. Gorman said with regard to Condition #7, the only concern about employee parking was the language, "...subject to the approval of staff." He said that is a very subjective phrase, and there is no definition of what would

be accepted. Whole Foods has no problem attempting to secure additional parking spaces, but would like to know exactly how many spaces it is being asked to obtain.

Chair Heldmeyer said if there are 20 spaces and no one is using them because everyone is parking somewhere else, it doesn't matter how many spaces you have. That is why she asked the applicant about what kind of monitoring it does because that was the issue at the beginning and it is the issue now.

Mr. Gorman said the applicant is trying to figure out the problem it is being required to solve. It is his impression from dealing with the neighborhoods at ENN meetings with City staff in attendance, that there are no problems. He said if the City wants Whole Foods to get more parking it is willing to get additional parking, but would like to know how much parking they need to obtain.

Mr. Gorman said with regard to Condition #11, the access issue, Whole Foods was asked to prevent delivery trucks from turning onto Don Diego, and were directed to use Guadalupe/ Paseo de Peralta, and to use Paseo de Peralta to get trucks back to St. Francis Drive. He said he heard no complaint from the neighbors about this, but one complaint was heard from a City employee whose mother lives on Hickox. What is being suggested in this pattern is that trucks use Guadalupe Street to Paseo de Peralta, right on Paseo de Peralta and then a right turn at Chicago Dog onto Cerrillos Road, and then back to St. Francis Drive. He said they looked at this configuration and trucks can't make that sharp turn in front of Chicago Dog without swerving into oncoming traffic going toward town. He said McDonald's delivery trucks use Paseo de Peralta, Allsup's, Wholesale Builders supply, and said Whole Foods is being singled out to make this turn. He doesn't understand the problem.

Chair Heldmeyer said one issue is with the turn itself and the truck route. With regard to being singled out, these are conditions of approval which were imposed on a piece of property which was approved with many conditions of approval, one of which the applicant wants to change. Staff is recommending other conditions to mitigate that.

MOTION: It was moved by Councilor Coss, seconded by Councilor Chavez, to table this agenda item and ask staff to bring it back to the Committee when Conditions #6, #7 and #11 are resolved to the mutual satisfaction of the parties.

DISCUSSION: Councilor Coss doesn't know if the issues are resolvable.

Councilor Chavez asked about Conditions #2 and #4. Mr. Gorman said those are acceptable, and the only conditions still being questioned are #6, #7 and #11.

Councilor Chavez said if the applicant were to figure out a better situation with the lease of that triangle in Whole Foods' name, it would put the City in a better legal position to deal with that. He said parking is at a premium and in high demand and it won't be easy to resolve the issues. He is supporting the tabling action to give the applicant more time to work out some of the details so the Committee can better understand what it is approving or disapproving.

FRIENDLY AMENDMENT: Chair Heldmeyer would like the motion to include a statement that if these issues are resolved they return to the Committee, if it is felt that they are at an impasse and can't resolve these issues, Whole Foods can request to be placed on the agenda; however, if one of the issues that isn't resolved is Condition #6, that when it comes back to this Committee staff has obtained a report from the City Attorney about some of the legal issues which have been raised about Condition #6

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

16. **REQUEST APPROVAL OF AGREEMENT – INMATE CONFINEMENT SERVICES; COUNTY OF SANTA FE (BEVERLY LENNEN, POLICE CHIEF)**

Memorandum dated May 13, 2003, with attachments, to the Public Works Committee, from Beverly Lennen, Chief of Police, is incorporated herewith to these minutes as Exhibit "8"

Chair Heldmeyer said this is on the agenda because it was on the Finance Agenda and Finance didn't have a quorum. So it was sent to this Committee.

Chief Lennen said there are two agreements consolidated into one in the packet. Page 1 of the contract involves the 2001-2003 year, negotiating a \$59 per day for each City inmate confined at the Santa Fe County Detention facility. The City will pay the full per diem rate for the first day of detention, but will not be charged for the final day of detention if, and only if, the inmate is released by 12:00 noon.

Chief Lennen said the remainder of the contract, beginning on Page 2, Paragraph B, would be for fiscal years 2003-2004 and forward. Staff has calculated the anticipated cost for the coming year based on those things on which the group was able to come to consensus. The County, in the coming fiscal year, will charge the City \$65 per day per inmate. Staff calculated a cost of \$569,400 for the next fiscal year based on the average number of arrests, based on a 3 r day stay and the reduction of the last day's billing. Chief Lennen said staff calculated the average stay for judgment and sentencings provided for by the Municipal Court, which is separate from arrests made by the Police Department, at \$650,000.

Chief Lennen said staff calculated the cost of the contract for 2003-2004 FY to be \$1.2 million. She recalled an adjustment made at mid-year to the existing P.D. budget to cover inmate costs through the end of this fiscal year. It is not anticipated at this point that we will exceed that amount.

Chief Lennen said this has been a difficult contract to negotiate, and one that has been in effect for some time. It was extremely helpful to have the Finance Director and the City Manager available as part of the negotiations team. The Police Department had no leverage with the County on this particular contract. The presence of the Finance Director and City Manager permitted the County to bring in the other joint programs in which the City and County engage together so those could be considered at the same time.

Chief Lennen said Page 12 provides a break-out of the contracts from 1996-1997 forward, including the next fiscal year. In the late 1990's the City was paying a higher per diem rate, but in the very late 1990's that changed to a cap of \$725,000, thereafter the City was charged \$40 per day. In 1999-2000, the rate was reduced to \$66.50, and in 2002-2003 to \$59 per day. In 2003-2004 the last day will be free, but the County is imposing a \$15 booking fee for each inmate booked into the facility by the City. One of the issues which has arisen over the years has to do with the rate being paid by the County versus the rate the County wanted to charge the City.

Chief Lennen said the County provided information to the negotiation team which clearly outlined the burden of running the jail and what that has done to the County's budget, and demonstrated a deficit in operation of the jail facility for each and every fiscal year. The deficit is funded by the County through transfers from other areas of the County. The County has been direct in saying it cannot afford to continue to provide the same rate to the City that it pays to MTC, unless the City is willing to take over some of the financial responsibility that they bear with MTC.

Chief Lennen said it is critical that the Municipal Judge focus on alternatives to incarceration to make this budget work. Chief Lennen believes that the Department can come in within its budgets.

Councilor Chavez asked, if the City is successful with alternative sentencing, would that bring costs down from the \$1.2 million. Chief Lennen said successful alternative sentencing will keep the budget at \$1.2 million.

Responding to Councilor Chavez, Chief Lennen said it is important to be clear on what is causing the increase. Staff has tracked very carefully the number of arrests each month from Police Department activity, and that number is not increasing. What is increasing is the number of judgment and sentencing days ordered by the

Municipal Court for those offenders and violators which do not successfully comply with the alternative sentencing. At that time, the Judge has no alternative other than arrest to deal with those individuals. The increase in per diem will cause the costs to increase as well, and staff fully intends to keep citation-in-lieu-of arrests on those cases where it does not create additional liability for the City.

Councilor Chavez is concerned about what happens when the inmates are released. He has received calls from concerned persons, not family members, about inmates who are released and left to their own devices to get transportation back to town – hitchhiking or walking down State Road 14. He asked how we can accommodate that issue, which seems to be a liability issue to the City.

Chief Lennen said transportation is not the responsibility of the City, but is the responsibility of MTC and the County as a contractor. The City offered some alternatives to the County during negotiations with the hopes of a trade-off to reduce the cost of inmate incarcerations on behalf of the City. The County Sheriff and County Finance Director said they weren't interested in those sorts of trade-offs because of the cost of running the facility. They did acknowledge, however, that transportation is their responsibility and are taking steps to address transportation at the facility.

Councilor Chavez asked if we can find out how many inmates are released at any particular time, and asked the Chief if she sees this as a safety concern. Chief Lennen said she sees this as a safety concern for the facility and for the County. Once a prisoner is arraigned, that prisoner is an inmate of MTC and the County, and not on behalf of the City. The County wasn't interested in having the City as a part of resolving the issues of transportation.

Chief Lennen said the number of inmates would vary daily and in the time of day at which they are incarcerated and when they are released. The County is looking to stabilize release times so transportation can be better coordinated.

Responding to Councilor Chavez, Chief Lennen said she understands from legal staff and from the New Mexico State statutes, once the prisoners are booked they become the responsibility of MTC.

Councilor Chavez asked Chief Lennen to begin tracking the number of inmates which are released so we can get a sense of the problem and ways to correct it. Chief Lennen said this can be tracked only through the billings and those numbers will not be timely and 30 days post release. Chief Lennen the offer was made to provide transit, and having that refused, she believes it is beyond the ability of the City at this point to become a part of that, given the current contract. We can do our best to track the numbers post release, but we are already spending quite a bit of one person's staff time to administer the City's side of the contract. She said the overcharges from the facility have improved since MTC assumed management. Between October 2001 and March 2003, that staff person caught \$91,022 of overcharges which was a savings to the City. Chief Lennen remarked that this staff person more than pays her own salary every year.

Chief Lennen said she will pursue an answer from the Sheriff with regard to their resolution of the transportation issue.

Chair Heldmeyer said the reason the County is in deficit at the jail is because the feds have pulled their prisoners out, one reason being the quality of medical care provided at the jail. She is concerned about medical care for pregnant prisoners and that they get no OB/GYN services. The contract says the County shall acquire and pay for all routine medical care for all inmates, and she believes OB/GYN services for pregnant woman is routine medical care. If the prisoner receives treatment off site, it is the City's responsibility to pay and provide transportation. If routine medical care is provided then the City might not have to pick up the cost for off-site care.

Chief Lennen said this was one of two issues which she spoke about with the Sheriff. The first was the overall conditions and timely release of City prisoners, the second dealt with medical care. The Sheriff has assured her that he has taken the steps necessary to resolve these issues. The Sheriff is doing spot inspections and going in at times when he is not expected to be there, to observe. His staff person is working almost full time in looking at the conditions to include medical care, and ensuring, along with the Administrator Greg Parish, that the contractor is

complying.

Chair Heldmeyer asked if the City tracks prisoners with medical conditions which need to be monitored, and where is that information entered into the system. Chief Lennen said the intake responsibility is the contractor's and the medical records are maintained at the facility under the control of the medical director. Chair Heldmeyer asked if we pass this information to the contractor when someone is incarcerated. Chief Lennen said any individual who receives treatment post-arrest, prior to incarceration, would have documentation from the hospital physician along with any prescribed medication which would be transported with that person to the facility. The Police Officers don't have the knowledge or ability to take and transmit medical information other than by paramedics or a physician.

Chair Heldmeyer asked if family members can contact the jail with medical information or information about the physician so there can be more complete information in the prisoner's file. Chief Lennen said she doesn't know, although it should be available, and she will verify that with the Sheriff.

Chair Heldmeyer said there is nothing in Section 5 of the contract, Transportation, about the contractor being responsible for the kind of transportation Chief Lennen was discussing with Councilor Chavez. She noted that the contract provides that the County is only responsible for transporting arrestees from the Santa Fe Plaza area only during the Fiesta. Chief Lennen said transportation means transportation to the facility, unless otherwise provided such as for medical transport. The reason the wording is there regarding Fiesta is because that is something the contractor and the County provided to the City without charge due to the potential numbers of arrests and to prevent drawing officers away from the focus of the function.

Responding to the Chair, Chief Lennen reiterated that based upon her research, and information from the City Legal staff, post-incarceration transportation is definitely not the City's responsibility. She said, at this point, she doesn't think the City can afford any more responsibility when it comes to the jail.

Councilor Chavez believes there should be some compassion for these individuals when they are released, with regard to having no transportation. He said it would probably be a deal breaker for the City to insert language which provides that upon release, the County is responsible for providing transportation of that person to a central location in town. Chief Lennen believes that would be a deal breaker.

Councilor Chavez asked what would happen if the City didn't approve the agreement until the County determines how it will transport inmates back to town. Chief Lennen said there is an interim agreement between the City Manager and County Manager to hold this issue until the contract could be negotiated. The County said it did not intend to continue to provide jail services without a formal contract, binding on both parties.

Councilor Chavez asked in that event where would the City take its prisoners. Chief Lennen said prisoners could be transported to McKinley, Gallup, Farmington, or San Miguel County, but she would need at least 50 more officers who do nothing but transport prisoners. Councilor Chavez remarked that there aren't many options, with which Chief Lennen agreed.

Councilor Coss asked what percentage of inmates are from the City of Santa Fe. Chief Lennen said it was learned during negotiations two years ago that the City has a substantial portion of the inmates, although we were informed that our numbers are very low because the County is dealing with misdemeanors from Magistrate Court as well as being responsible for all felony inmates after arraignment, and have agreements with outlying communities without facilities. Also at that time the County had an agreement with the U.S. Marshals and other agencies who provided the bulk of the per diem paying inmate population. We still have a high percentage, but are lower than the County. The County was very clear that they would prefer to negotiate the long-term federal contracts because those inmates are booked in one time and remain for a set sentence up to or beyond a year and then are released. City prisoners are high maintenance, and may for example, book every weekend as part of their sentence and are



incarcerated for a shorter time because they are convicted of petty misdemeanors or municipal charges.

Councilor Coss expressed appreciation for the negotiations and expressed his support for the contract. The fundamental mistake was privatization, and a decision by the County against City input many years ago, that just hasn't worked out. The second mistake was moving the facility way out on S.R. #14, which was a business decision by a private contractor versus what are the real needs of the community, and setting things up to serve the federal and state government while the City is left with the "short end of the stick."

MOTION: It was moved by Councilor Coss, seconded by Councilor Chavez to support the work of the Chief, the City Manager and Finance Director, and approve the contract, with a directive to staff to revisit the issue in six months to deal with the full range of transportation issues.

DISCUSSION: Councilor Chavez wants the transportation information in a timely manner.

Chair Heldmeyer said she and Chief Lennen visited a couple of detox centers in Albuquerque, and one said that transportation is the number one priority because without it everything else fell apart.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

Chair Heldmeyer thanked Chief Lennen, Ms. Raveling and Mr. Romero for these extremely tedious negotiations.

Chief Lennen introduced Laura Vigil, Budget Supervisor, who works with all of the Department financial issues, and it is through her leadership that things are working correctly. She introduced Karen Valdez, who spends much of her time at the jail facility to go item by item and determine how long each individual was incarcerated and the costs to the City. She has been instrumental in keeping the jail bill at a lower level, and she saves far more than her yearly salary each year.

**16. REQUEST APPROVAL OF PROPOSED REVISIONS TO CITY OF SANTA FE PURCHASING MANUAL – SECTION 15.4 RESIDENT AND LOCAL PREFERENCE. (KATHRYN RAVELING)**

Memorandum dated May 14, 2003, with attachments, to the Finance Committee, from Kathryn L. Raveling, Finance Director, is incorporated herewith to these minutes as Exhibit "9."

Chair Heldmeyer said this is another issue which was on the Finance Committee agenda, and was sent to this Committee in the interest of moving this along as quickly as possible.

Ms. Raveling said the proposed change in the purchasing manual will be of benefit to the City, and came about through Councilor Heldmeyer with respect to a recent bid where there was a very close difference between a resident and an out of state bidder.

Ms. Raveling said currently there is a \$1 million limit, because we want to acknowledge and give preference to local or state vendors. However, there is a fiscal responsibility so we don't want to pay a lot more for that benefit. It is an effort to limit how much more an entity is willing to pay and still support local or state vendors. The state has a \$5 million limitation on its preferences.

Ms. Raveling said with the City's \$1 million limit, it can pay up to \$50,000 more to acknowledge local or resident vendors.

Mr. Raveling said the language would leave the \$1 million limit and provide that the preference would never exceed \$50,000. She said if there were two bids within \$50,000, the City would still use the preference for local or state. This eliminates the \$1 million cap, but limits the amount the City would pay to \$50,000. If approved

by this Committee and City Council, the bid documents for projects would be changed to incorporate this new language.

Councilor Coss asked if this change would have helped on the Buckman well bid. Ms. Raveling said it would because that one was within \$7,000. Councilor Coss asked if the city is limited by State law to 5%, and if we could do 7%. Ms. Raveling said the State preference is limited to 5%. However, the local preference is not, and the amount is up to the Council. She cautioned that some vendors have chosen not to participate because of the local preference and feel they will be eliminated with the 5%. She said the trade-off is that you award more to local vendors, but you are also narrowing the pool of people willing to submit bids on City projects.

Councilor Coss asked if there is a good process in place to weed out the “low ball” bids, where a low bidder may be selected, but there are lots of change orders. Ms. Raveling said two months ago new language was proposed to require more information from bidders, additional certifications, ask them if they ever been debarred, has anyone filed a suit against them, ask if they are certified to do the work, and this will be incorporated into the bidding process once the budget is approved.

Ms. Raveling said also the debarment rules have been changed to provide that the debarment can be done between the City Attorney, the City Manager, the using department and the Purchasing office. She said a debarment has never been done during the past 18 years.

Ms. Raveling said the second recommendation is something the City is required to do and the language was not included in the manual. She said if you get state or federal funds you cannot use a local preference, and if you have federal funds you can't use a state or local preference.

Councilor Chavez asked if the local preference is 5%. Ms. Raveling said this is correct, and the preference is not cumulative and you can claim one or the other.

Councilor Chavez would rather support local and in-state companies, noting the City has more flexibility under its Home Rule Charter.

Ms. Raveling would like to work on the language because it was difficult to do and she worked with Mr. Thompson and went through several iterations before the proposed language was developed.

Ms. Raveling said this will be on the Council agenda tomorrow, but it could be pulled. This isn't done by ordinance or resolution, but by Council Approval of changes to the purchasing manual.

Councilor Chavez asked if the change is time sensitive and if we can we take a little more time to look at this. Ms. Raveling said she could prepare the language for the next Finance Committee meeting if it is pulled off the Council Agenda and referred back to Finance. She doesn't believe much time would be lost in this process.

Direction was given to Ms. Raveling and staff by the Committee to pull this item from the Council Agenda for Wednesday, and to work on language which would accept the formulation the way it is proposed, but to increase the amount to \$100,000 when it deals strictly with the local preference.

16. **REQUEST APPROVAL OF BUDGET INCREASES – SOLID WASTE MANAGEMENT ENTERPRISE FUND AND GRT DESIGNATED FUND (EQUIPMENT). (MIKE LUJAN, RICHARD MARES)**

Memorandum dated May 9, 2003, to the Finance Committee, with attachments, from Mike Lujan, Public  
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Works Department Director and Richard Mares, Interim Director, Solid Waste Management Division, is incorporated herewith to these minutes as Exhibit "10."

Mr. Mares said the Solid Waste Management Division is requesting two budget increases, one for the Enterprise Fund and the second for the GRT bond proceeds fund. He said the landfill tip fees have increased significantly because of the assimilation of the Environmental Control, Inc., accounts. These were serviced previously by ECI. It is anticipated that the total increase would be \$264,000. The increase to the GRT bond proceeds fund is \$168,000 and the proceeds would be used to purchase an automated refuse collection vehicle. Currently, the Division had two automated vehicles in use, but which are subject to frequent break-down which have caused problems over the last month in servicing the automated route. The purchase of a new vehicle would streamline the service and efficiency.

MOTION: It was moved by Councilor Chavez, seconded by Councilor Coss, that the request be approved.

DISCUSSION: Chair Heldmeyer asked if this means we need 3 vehicles to service one route. Mr. Mares said this permits the capability to work on the trucks currently owned and to fine tune the equipment. It is anticipated that the automated refuse collection services will be increased to include more households for 2003-2004.

Chair Heldmeyer said if we go to two routes a day, will we need 6 vehicles.

Mr. Lujan said the first automated truck was purchased in 2001 when the very first pilot program came into effect. Then when considering expanding into other routes it was felt a backup was needed. The backup truck purchased as a used vehicle, and was done as a way to save money. During that time we have experienced mechanical difficulties on those vehicles. Considering the direction we are going in automation, this particular piece of equipment is needed. This piece of equipment is on a priority list for the coming fiscal year with regard to equipment replacement. But, the need for further additional equipment needs to be discussed in moving forward.

Chair Heldmeyer asked if it typical of these kinds of vehicles to break down for whatever reason so frequently. Mr. Lujan said this kind of equipment has more moving parts than a lot of the others because of the hydraulic elements and computer programming in the vehicle. Mr. Mares said once the switch is on, the computer takes over and the arm moves at the direction of the computer.

Chair Heldmeyer asked why one side of Old Pecos Trail has automated pickups and the other side does not. Mr. Mares said in looking at the routes, different boundaries were examined that were in place. Chair Heldmeyer said as we re-look at the routes, perhaps we need to look at a policy of automated pickups on both sides of a street.

Chair Heldmeyer said the increase is because of the increase in tipping fees because we are picking up the commercial accounts, and asked if the commercial accounts are paying their own way. Mr. Mares said they are. The tipping fees are an offset. Mr. Lujan said the actual revenue from commercial is exceeding the established budget by at least that amount. It is an offset and no revenue adjustment is being shown to be conservative, noting that the revenue from commercial will offset the tipping fee costs.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

## 16. **MATTERS FROM THE COMMITTEE**

Councilor Coss would like to see if we can do something else with the water when the fire hydrants are being purged – perhaps into a truck. The water was running down the street on Hopi and he got a rash of complaints. Chair Heldmeyer said she was assured that wouldn't happen again, and the water would go into the non-potable water trucks and be used to water some of the things we need to water.

Councilor Coss would like a report in this regard at the next meeting.

16. **NEXT MEETING: JUNE 9, 2003**

16. **ADJOURN**

There being no further business to come before the Committee, and the Committee having completed its agenda, it was moved by Councilor Coss, seconded by Councilor Chavez, that the meeting be adjourned. The motion carried unanimously, and the meeting was adjourned at 7:50 p.m.

**Karen Heldmeyer, Chair**

**Melessia Helberg, Stenographer**